

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC.CIVIL APPLICAITON NO.120/2019.

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Advocate Mr.Bharat Sarda for applicant.

CORAM : K. K. TATED, J

DATE : JULY 12, 2019.

P.C.:

Heard learned counsel for applicant.

2. Learned counsel for applicant submits that as per order dated 12.6.2019 passed by this court, respondent is duly served by hand delivery. To that effect he has filed affidavit of service dated 28.6.2019.

3. Inspite of service no one appeared for respondent/husband when the matter called out for hearing.

4. By this application, the applicant is seeking transfer of Marriage Petition No.A-1456/2018 filed by respondent/husband for divorce under Hindu Marriage Act 1955 before Family Court at Pune to the Court of Civil Judge, Senior Division, Satara.

5 Learned counsel for applicant submits that the applicant is residing at Satara. He submits that applicant's mother is senior citizen. Therefore, it is difficult for applicant to attend each and every date at Pune Court. Even the applicant filed petition u/s 9 of Hindu Marriage Act 1955 for restitution of conjugal rights before Civil Judge, Senior Division, Satara bearing No. A-217-2019 and same is pending for hearing and final disposal at Satara. Respondent/husband filed divorce petition on the ground that, applicant is suffering by Schizophrenia. He submits that apart from that because of poor financial condition it is not possible for applicant to attend the matter at Pune. He submits that in the interest of justice, this court be pleased to transfer the petition filed by respondent at Pune to Satara. He submits that if application is not allowed, irreparable loss would be caused to

applicant.

6 Heard learned counsel for applicant at length. In the present proceeding, respondent filed divorce petition before Family Court Pune, being Petition No.A-1456/2018 on the ground that applicant is suffering from Schizophrenia. Apart from that, the applicant filed petition u/s 9 of Hindu Marriage Act, is also pending at Satara.

7. considering these facts and as applicant's mother is a senior citizen, I am of the opinion that applicant has made out a case for allowing the application.

8. Hence, the following order.

a) Misc. Civil application is allowed in terms of prayer clause (a) which reads thus,

(A) That this Hon'ble Court be pleased to transfer the Hindu Marriage Petition No.A-1456/2018 instituted by the respondent herein, from the Family Court, Pune to the Court of learned Civil Judge, Senior Division, Satara.

b) Misc. Civil application allowed accordingly.

c) No order as to cost.

(K.K.TATED, J.)